

REMARKS

Claims 3-23 are pending in the above-identified application. Claims 3, 4 and 5 have been amended so as to be each in independent form and so that each of these claims incorporates original claim 1 thereinto. All of the remaining claims 6-23 have been amended so as to depend from one of claim 3, 4 or 5.

Amended Abstract

The Abstract has been objected to because of the use of the word "comprises" and the word "wherein". The Abstract has been amended so as to remove the term "comprises". However, the term "wherein" is completely acceptable for use in an Abstract under MPEP 608.01(b) such that this term has not been changed. The word "wherein" is not considered a legal term similar to the word "comprises" which does affect the legal, literal interpretation of the scope of a patent claim. Thus, it is requested that the objection to the Abstract be withdrawn.

Allowable Claims

Claims 3 and 5 were indicated as being allowable and merely rejected as depending from a rejected base claim. Claims 3 and 5 have been amended so as to be placed into independent and allowable form. In addition, claim 4 has been amended so as to include a patentable feature from claim 3 thereinto. Thus, independent

claims 3, 4 and 5 are all allowable. In addition, all of the remaining claims depend from one of these allowable claims. Consequently, all of the pending claims 3-23 are in allowable form.

Issue Under 35 U.S.C. 112

Claims 9 and 10 have been rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite because of the use of the phrases "wood-type" in claim 9 and "iron-type" in claim 10. The Office Action suggests using the words "wood" and "iron".

In response to the above-noted rejection, it is respectfully submitted that the phrases "wood-type" and "iron-type" are completely accepted and understood in the golf club design and marketing area such that these phrases should be allowed to remain in claims 9 and 10. For example, if one were to "google" these phrases, the results include many links to golf club makers and sellers. An attempt to google the phrase "wood golf club" turns up a number of country clubs with golf courses, in addition to golf club makers and sellers. In the end, there is no basis for asserting indefiniteness with respect to the original phrases used in claims 9 and 10. It is also noted that no evidence has been provided in support of a conclusion that any indefiniteness arises in connection with these phrases. Thus, it is requested that this rejection be withdrawn.

Removal of Issues Under 35 U.S.C. 102(b) and 103(a)

Claims 1, 2, 4 and 6-10 have been rejected under 35 U.S.C. 102(b) and/or 103(a) as being unpatentable over various combinations of Takeda '217 (U.S. 2001/0039217), Fouche '973 (USP 4,960,973), JP '121 (Japanese Patent Application No. 10-15121), Seki '466 (USP 6,783,466) and Igarashi '566 (USP 5,706,566).

It is noted that the patentable features of allowable claims 3 and 5 are now recited in all of the presently pending claims. Claims 3 and 5 having not been rejected based on any of the above-noted cited references. Therefore, the bases for all of these rejections have been removed. Consequently, it is requested that the above-noted rejections be withdrawn.

Conclusion

It is submitted for the reasons stated above that the present claims define patentable subject matter such that this application should now be placed condition for allowance.

If any questions arise regarding the above matters, please contact Applicant's representative, Andrew D. Meikle (Reg. No. 32,868), in the Washington Metropolitan Area at the phone number listed below.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a one (1) month extension of time for

filing a reply in connection with the present application, and the required fee of \$120.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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Attachment(s): Abstract